SINGLE BENCH

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [S] NO. 5156 /2006 [S.B]

PETITIONER :- Ashwani Kumar Sharma son of Ganesh Prasad Sharma, aged about 43 years, lecturer Government Basic Training Institute Bilaspur [C.G.]

VERSUS

RESPONDENTS :-

1] The State of Chhattisgarh, Through- The Secretary, Education Department, D.K.S. Bhavan, Raipur [C.G.].

2] Director of School Education/ D.P.I. Raipur [C.G.].

3] District Education Officer, Bilaspur [C.G.].

4] The Principal, Basic Training Institute, Bilaspur [C.G.].

P.R. No. 5126/06
Presented by Shri P.K. Tulsey
12/9/06

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT[S] ORDER[S], DIRECTION[S] TO DO JUSTICE IN THE MATTER

(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 5156 of 2006

Petitioner : Ashwani Kumar Sharma

Versus

Respondents : The State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Mr. M.K. Bhaduri, Advocate for the Petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on this 23rd Day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Lecturer in the School Education Department. The petitioner obtained B. Ed. Examination certificate in the year 1990, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B. Ed. Examination Certificate on his own expenses is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers,

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who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B. Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Yogesh